THE HON'BLE SRI JUSTICE
GODA RAGHURAM
And
THE HON'BLE SRI JUSTICE
S. ANANDA REDDY

W.P.No. 9738 of 2007

22-06-2007

Between:

Mutyala Supraja

Petitioner

And

The High Court of Andhra Pradesh,
Hyderabad rep., by Registrar General
(FAC), FAC Registrar (Admn.,),
Hyderabad and another.

Respondents

THE HON'BLE SRI JUSTICE
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S. ANANDA REDDY

W.P.No. 9738 of 2007

Oral Order: **Per: The Hon'be Sri Justice GODA RAGHURAM)**

The petitioner challenges the order of the first respondent dated 12-04-2007 whereby her application seeking permission to continue the three years LLB

degree course in the morning session from the Adarsha Law College, Hanamkonda, Warangal district (for short 'the Law College') has been rejected.

The petitioner was appointed as a Personal Assistant to the Presiding Officer of the III-Additional Junior Civil Judge's Court, Warangal in the existing vacancy on 11-05-2006 and assumed charge on 17-05-2006. Earlier in 2004, she joined the LLB three years course and had completed three semesters by the time of entering service. Petitioner states that the Law College is very proximal to the Court premises and the course timings are 07-00 A.M. to 10-20 A.M. After joining service she learnt that the second semester examinations were scheduled from 22-11-2006. She then submitted an application to the unit officer i.e., the District Judge, Warangal for grant of ten days leave from 22-11-2006 to 06-12-2006 on loss of pay for attending the examinations. Permission was accorded by the learned District Judge, Warangal and she appeared at the examinations. This was earlier.

The learned District Judge, Warangal by an order dated

08-12-2006 called upon the petitioner to submit her explanation for not obtaining prior permission to pursue the course and for having pursued the course without such permission. The petitioner submitted her explanation and also undertook to attend the office as and

when called by the superior officers. The petitioner also asserts that she is regularly attending to duty and not causing any hindrance or inconvenience to the Presiding Officer to whom she was attached as a Personal Assistant.

The petitioner also pleads that by an order dated 20-10-2003 the first respondent had granted permission to ten employees to study the law course at the Law College; and that assuming erroneously that no separate permission is required she had pursued her course without obtaining prior permission.

After receipt of the show cause notice from the District Judge, Warangal the petitioner applied to the first respondent through the District Judge, Warangal for permission to continue the LL.B. three years course. This application of the petitioner was forwarded by the second respondent to the first respondent. The first respondent by an order dated 12-04-2007 (impugned herein) rejected the application.

The second respondent has filed a counter stating that though permissions were granted in the year 2003, the first respondent on

24-11-2006 had rejected the applications of all other employees who sought permission to pursue the LL.B., three years course from the Law College in the morning session from 7-00 A.M. to 10-20 A.M. as it is not possible for them to attend to official work without causing

hindrance or inconvenience particularly as they are required to report to Court by 10-15 A.M.

In paragraph No.8 of the counter it is stated that on the directions of the first respondent, the second respondent had ascertained from the Presiding Officer whereat the petitioner was working as a Personal Assistant whether there was any noticeable impediment or hindrance in the discharge of duties by the petitioner owing to the pursuit of the course in law during May, 2006 through November, 2006. The second respondent received a response from the Presiding Officer concerned that there was no such inconvenience or hindrance.

Nevertheless, the first respondent has concluded that as the course is between 7-00 A.M. and 10-20 A.M. and the petitioner has to report to the Court at 10-15 A.M. and be otherwise available on call as and when the Presiding Officer to whom she is attached as Personal Assistant requisitions her service for dictation or other official work, the pursuit of law course would not be in the interests of administration. This is the rational assessment by the employer, who is normatively the best judge of what reasonable services are required from an employee. It is not as though the petitioner has a fundamental or a legal right to pursue the law course while in the currency of employment. Therefore there is no corollary obligation of the respondents to effectuate such legal right of the petitioner. It is legitimate for an employer

to expect unstinted availability and service from an employee. The petitioner is in public employment and the respondent Nos. 1 and 2 have within the spectrum of their discretion and rational assessment decided that the services of the petitioner cannot be spared during 7-00 A.M. and 10-20 A.M. on a continuing basis. In judicial review this Court finds no justification to over turn such assessment of the respondents. There are no merits. The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

S. ANANDA REDDY, J

Dated: 22-06-2007
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